

VOTER REGISTRATION COMMISSION[821]

Notice of Intended Action

Proposing rule making related to voter notification and providing an opportunity for public comment

The Voter Registration Commission hereby proposes to amend Chapter 8, “Transmission of Registration Forms by Agencies,” Chapter 10, “Notice to Voters Without Activity in Four Years in Counties Using NCOA Records; To All Voters in Other Counties,” and Chapter 12, “Voter Notifications,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 47.8.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 413, and 2021 Iowa Acts, Senate File 568.

Purpose and Summary

This proposed rule making makes amendments necessary to conform the Iowa Administrative Code with 2021 Iowa Acts, Senate File 413, and 2021 Iowa Acts, Senate File 568. The amendments include adjustments to the voter registration deadline, the mailing of no-activity notices, and notification of voters regarding a change in polling place.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on November 9, 2021. Comments should be directed to:

Molly Widen
State Registrar of Voters
Lucas State Office Building, First Floor
321 East 12th Street
Des Moines, Iowa 50319
Email: molly.widen@sos.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 821—8.5(48A) as follows:

821—8.5(48A) Transmission of paper voter registration forms. Voter registration applications or changes accepted on paper documents by agencies shall be sent to the appropriate county commissioner by courier, U.S. mail, or other reliable carrier not later than the Friday of the week in which the document is received by the agency. ~~If an agency receives completed voter registration forms on the Saturday which is a close of registration date for an election, the agency shall forward those registration forms immediately following the end of that business day.~~ Nothing in these rules shall be construed to require an agency to be open for business on the last day of registration for an election.

ITEM 2. Amend rule 821—10.1(48A) as follows:

821—10.1(48A) NCOA county commissioner determines nonactivity; sends notices.

~~10.1(1) During the first quarter of each calendar year, every commissioner who elects to participate in the NCOA process that year shall examine voter registration records to identify those without activity during the period between and following the previous two general elections and for which no information has been reported in NCOA data. For the purpose of this subrule, “activity” means any registration application, including an application which duplicates existing information, a notice of change of name, address, mailing address, party affiliation, a vote in any election, or the mailing of a notice pursuant to subrule 10.1(2). During the first quarter of the calendar year following a general election, the state registrar shall examine voter registration records to identify those voters without activity during the period following the previous general election and for whom no information has been reported in NCOA data. For the purpose of this subrule, “activity” means voter-initiated activity such as any registration application, including an application which duplicates existing information; a notice of change of name, address, mailing address, or party affiliation; a vote in any election; or the mailing of a notice pursuant to subrule 10.1(2). A registered voter shall not be sent a notice and return card under this subrule if the registered voter was not 18 years of age on the date of the most recent general election.~~

~~10.1(2) The commissioner shall send a notice of the type described in Iowa Code section 48A.28 to each voter whose record is identified pursuant to subrule 10.1(1). The state registrar shall coordinate the printing and mailing of the required no-activity notifications. The state registrar shall notify the commissioners when the notifications have been mailed. Any postage-paid preaddressed return cards returned by voters will be sent back to the counties, not to the state registrar. The state registrar shall send one notification to each voter identified based on the criteria in subrule 10.1(1). The notice shall be mailed to the voter’s mailing address.~~

ITEM 3. Rescind rule 821—10.2(48A) and adopt the following new rule in lieu thereof:

821—10.2(48A) Fees. The state registrar shall charge the counties for the costs of the no-activity process, including matching the records and the printing of and postage for the mailing. The fees charged to the counties shall reflect actual costs to the state registrar.

ITEM 4. Amend rule 821—10.3(48A) as follows:

821—10.3(48A) Voter record not made inactive. ~~The act of mailing the notice required by this chapter does not, in and of itself, make a registration record inactive.~~ A registered voter receiving a mailing pursuant to rule 821—10.1(48A) shall be made “inactive.”

ITEM 5. Rescind rule **821—10.4(48A)**.

ITEM 6. Amend rule 821—12.1(48A) as follows:

821—12.1(48A) Primary and general election polling place change—voter notification required. When a change is made from the usual polling place for the precinct or when the precinct polling place used for the primary or general election is permanently changed by the county commissioner pursuant to Iowa Code section 49.10 different from that used for the precinct at the last preceding primary or general election, the county commissioner shall mail every registered voter ~~with a status of “active”~~ who is affected by the change a notification informing the voter of the change. The county commissioner may either send a notice of the change to each household at which a an impacted voter with a status of “active” is registered or send notice of the change to each registered voter ~~with a status of “active.”~~ The notification shall be sent ~~at the time the polling place change is made~~ not more than 20 nor less than 7 days before the day on which the election is to be held.

ITEM 7. Amend **821—Chapter 12**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 48A.26 49.23.